

# **EXHIBIT H**

(Second Declaration of N. del Rosso)

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and  
VITAL MANAGEMENT SERVICES,  
INC.,

Defendants.

**SECOND DECLARATION OF  
NICHOLAS DEL ROSSO**

I, **Nicholas Del Rosso**, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury the following:

1. I am the President and owner of Vital Management Services, Inc. (“VMS”), a North Carolina corporation.

2. I am over the age of eighteen years of age and competent to testify as to the matters set forth in this Declaration.

3. On June 2, 2020, I spoke with Yuri Koshkin (“Mr. Koshkin”), the principal of Trident Group, which is a corporate risk management consultancy. Mr. Koshkin contacted me concerning potential dispute resolution opportunities related to the Ras al Khaimah Investment Authority’s (“RAKIA”) fraud lawsuit against Farhad Azima in the High Court of Justice in London, Claim No. HC-2016-002798 (the “English Proceeding”). A true and accurate

transcription of audio recordings of my confidential discussions with Mr. Koshkin on June 2, 2020 are attached hereto as **Exhibit A** and filed under seal.

4. Based on previous conversations with Mr. Koshkin, I understood that Mr. Koshkin was assisting Dmitri Vozionav (“Mr. Vozionav”), who is a legal strategist working with the Eurasian Natural Resources Corporation and Farhad Azima, among other parties with an adverse relationship to Dechert LLP.

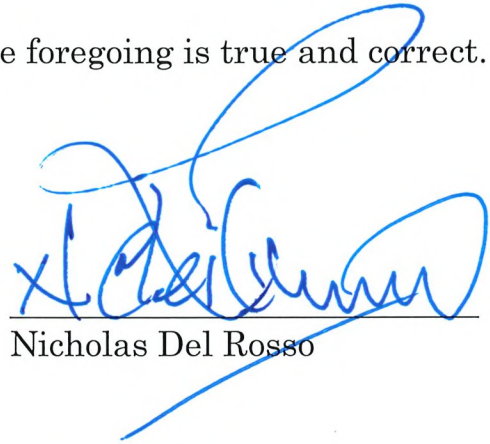
5. Mr. Koshkin called me to discuss a document that he had received from Mr. Vozionav, which he asked me to keep in confidence. Mr. Koshkin told me that Mr. Vozionav hoped that I would consider the document and, if appropriate, pass on to representatives of RAKIA with whom I had been in contact in relation to the English Proceeding. A true and accurate copy of the briefing from Mr. Vozionav that I received from Mr. Koshkin on June 2, 2020 is attached hereto as **Exhibit B** and filed under seal.

6. On or about October 13, 2020, Mr. Koshkin contacted me to inform me that “DV,” who I understood was Mr. Vozianov, was authorized to negotiate a lawsuit that Plaintiff threatened to file against me. Mr. Koshkin provided me with the same copy of the unfiled draft lawsuit that Plaintiff’s counsel sent to me at the same time through a demand letter. True and accurate copy of Mr.

Koshkin's confidential settlement communications to me on behalf of Messrs. Vozianov and Azima are attached hereto as **Exhibit C** and filed under seal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 9, 2023.



Nicholas Del Rosso

**Segment One – June 6, 2020 Call – 12:39 PM**

Nick: Hello.

Yuri: Hello.

Nick: Hey, how you doing?

Yuri: Good, thanks.

Nick: Yeah, yeah, yeah, sorry, I was just listening to some music. I just heard the phone.

Male 2: Oh, okay.

Nick: How you doing?

Yuri: Good, it's warm and humid.

Nick: Yeah. It is that. I apologize about you were talking about Mark Millie the other day weren't you? For the [inaudible] into the square and I thought for some reason I thought you were talking about the former admiral who was joint chief of staff, I can't remember his name now, Mike McMullin.

Yuri: Yeah, yeah, the admiral.

Nick: Yeah. I have to agree with you, it wasn't very good optics at all.

Yuri: Yeah and you still got a doesn't look good. I-I-I-I don't know. I'm intrigued to see the developments in Buffalo.

Nick: Yeah.

Yuri: When what 58 cops resigned in protest.

Nick: No, I haven't seen that. 58 resigned at the officers being charged or--?

Yuri: Yeah, yeah. That's be treatment or mistreatment. You know, depending on the point of view so that this really is developing in a quite a confrontational situation. The cops are starting to fight back. I don't know where it's going to lead I think there's some serious mediation may be required.

Nick: Probably, unlikely under this administration. They seem to want more conflict.

Yuri: Yeah, that's true. But anyways, so there's Andrew Cuomo is talking about the Mayor of Buffalo, yeah, I-I-I-I don't know and it may develop into a serious law enforcement crisis. 58 people, even for a big city like Buffalo is not an insubstantial number of cops.

Nick: Yeah, there always seems to be sort of an over, not saying that it isn't justified in the terms of the way people get treated but there always seems to be an over-reaction. Everybody jumps on a bandwagon. Both sides of the fence and--

Yuri: Absolutely. I mean it's the proverbial pendulum swinging back and forth. It is going to take some time and effort until it balances out.

Nick: Do you see that happening? I don't know, this country is so divided. It's kind of scary.


Yuri: It is indeed.

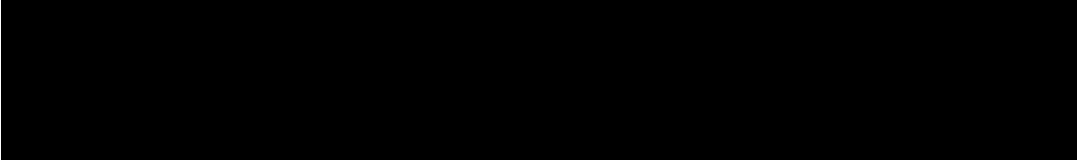
Nick: Bringing children up in this environment is quite worried. Forget what's going on around us in health scope, but just in this the issues that are going on outside here. Outside is actually race and police [inaudible]. Anyhow, I don't think I'm in a position to just sort it all out so.

Yuri: No, no, not even trying to.

Nick: Anyway, you come back with an interest and comments and I thought maybe I should follow up and have a chat as you suggested. Where are we at the moment in terms of--?

Yuri: Yeah, so—All items.

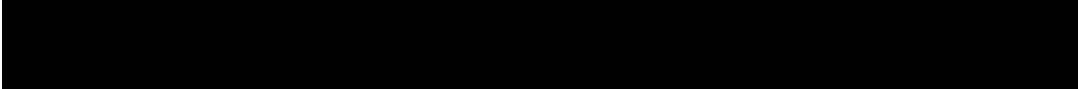
Nick: 

Yuri: 

Nick: You sent me a document?

Yuri: Yeah, you didn't see it?

Nick: No.

Yuri: 

Nick: Do you mind if I just take a quick look for that?

Yuri: Of course.

Nick: You sent it on this Signal?

Yuri: Yeah.

Nick: I didn't see it.

Yuri: Okay, let me resend it to you because it's rather critical two-pager I think it's important that you read it before we--

Nick: Okay, I'll take a quick read of it and come back to you.

Yuri: Okay.

Nick: Alright. Thanks.

Yuri: I'll talk to you then.

Nick: Okay, bye.

**Segment One – June 6, 2020 Call – 1:04 PM**

Yuri: Hey, Nick.

Nick: Hey, Yuri, thanks for that. I'm sorry I didn't see it yesterday, it isn't on my system.

Yuri: That's alright.

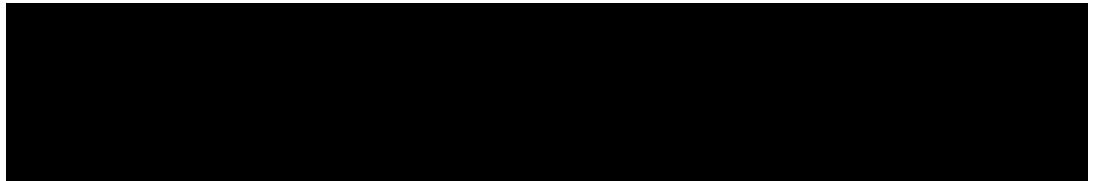
Nick: It may not have been received.

Yuri: Do you need more time to digest?

Nick: No, I think I got the general gist of it.

Yuri: Okay, alright.

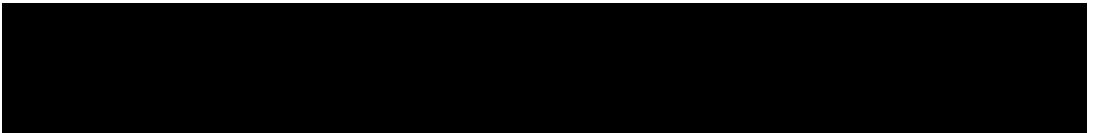
Nick:

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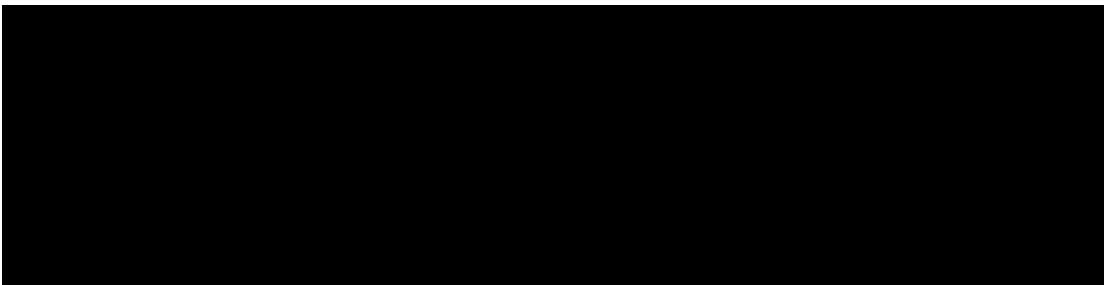
Yuri:

A small rectangular black box redacting the text of Yuri's response.

Nick:

A large rectangular black box redacting the text of Nick's response.

Yuri:

A large rectangular black box redacting the text of Yuri's response.

Nick:

[REDACTED]

Yuri:

[REDACTED]

Nick:

[REDACTED]

Yuri:

[REDACTED]



[REDACTED]

Nick:

Yuri:

Nick:

Yuri:

Nick:

Yuri:

Nick:

Yuri:

Nick:

Yuri:

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Nick:

Yuri:

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[REDACTED]

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Yuri:

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Nick:

[REDACTED]

Yuri:

[REDACTED]

Nick:

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Yuri:

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Nick:

[REDACTED]

Yuri:

[REDACTED]

Nick:

[REDACTED]

Yuri:

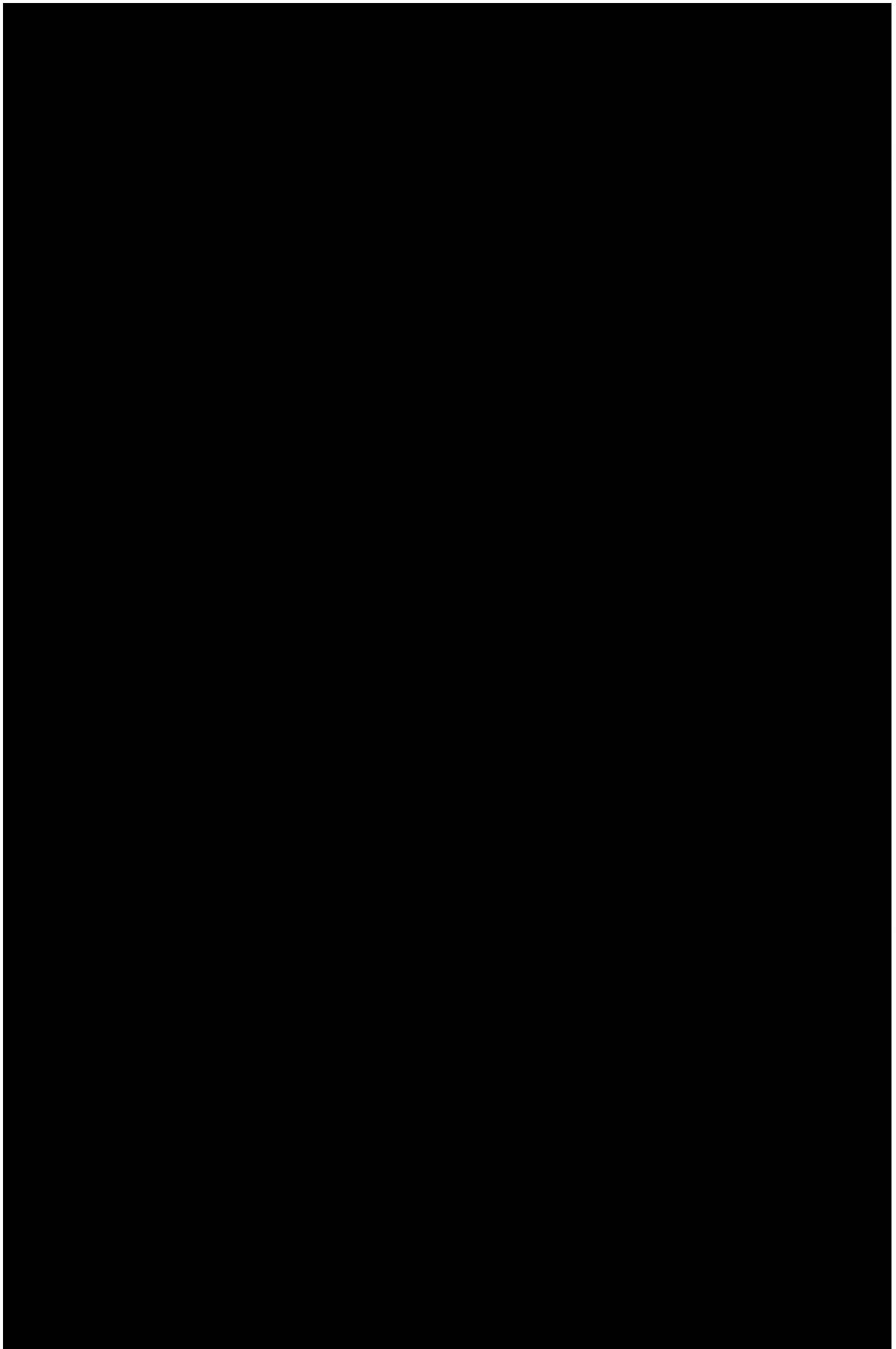
[REDACTED]

Nick: Understood. Alright, Yuri, thank you. I appreciate the time you've taken [inaudible].

Yuri: Alright, enjoy the rest of your weekend.

Nick: Yeah, you too. Thanks, Yuri. Take care now.

Yuri: Thank you.





**Judgment of Andrew Lennon QC (sitting as a Deputy Judge of the Chancery Division)**

Date: 22 May 2020

59. ... It is regrettable that the Ruler chose not to attend the hearing or give evidence by video link as there were a number of issues on which he could have given relevant evidence. As the Ruler's witness statement was not tested by cross-examination, I do not propose to attach significant weight to it.

63. Counsel for Mr Azima submitted that Mr Gerrard gave dishonest evidence on key issues. He was also criticized for not referring to Mr Page and the Project Update in his witness statement. In my view, Mr Gerrard's witness statement should have dealt with the Project Update which was a clearly relevant document and one which, as he accepted in cross examination, was of concern to him when it was produced...

64. ... Counsel for Mr Azima submitted that Mr Page was a dishonest witness who lied about a number of matters. I consider that Mr Page was an unsatisfactory and unreliable witness. As I set out in greater detail in the context of the hacking claim, his witness statement was misleading in relation to two significant matters. ... His evidence in connection with the discovery of the hacked material was both internally inconsistent and at odds with the contemporary documents. ...

202. In order to make good its claim that Mr Azima procured and promoted false stories in the media, it was incumbent on RAKIA to establish that the stories which it was intended to publish about human rights violations were untrue. It has not done so. It appears that Project Clay intended to draw attention to actual cases of detention and illegality, not fabricated ones. The 2014 Amnesty International Report indicates that there were real grounds for concern about detention procedures in RAK. None of RAKIA's witnesses were in a position to refute the findings in that report.

271. It was submitted on behalf of Mr Azima that RAKIA's witnesses (Mr Buchanan, Mr Gerrard and the Ruler) deliberately minimized Mr Page's involvement and the importance of the Project Update in their witness statements. I consider that there was some substance to this criticism.

307. Mr Gerrard's explanation for the reference in the View from the Window document to Mr Azima's "orchestrating if not participating" in "numerous fraudulent activities" was confused. At one point he referred to the Project Update, although it had not alleged fraud against Mr Azima. He also referred to information provided to Mr Frank at a meeting attended by Mr Buchanan, although this meeting did not take place until later. ...

354. In my judgment, it is not enough for RAKIA to say that, because it is messy and unclear, its evidence as to how it discovered the hacked material should be accepted as true. There is no obvious reason why a truthful account of how it came across the evidence could not have been clear and coherent.

368.1 In the case of Dubai Aluminium v Al Alawi a subagent engaged by Mr Page had obtained confidential information using pretext calls, which Mr Justice Rix found to be illegal (and which Mr Page accepted was illegal). ...

368.2 Following Mr Page's engagement by the Board of Control for Cricket in India to investigate several board members and players, confidential e-mails passing between individuals (who were the subject of the inquiry) found their way to the media. Page Protective Services was accused of obtaining unauthorized access to those e-mails.

368.3 Most recently, Mr Page was associated with the theft of confidential documents by Israeli hackers. Sir Andrew Smith had noted in passing, in the course of a judgment in JSC BTA Bank v Ablyazov that the claimant was contacted in early 2016 by Mr Page who claimed to act for unnamed Israeli hackers who had extracted information from a computer belonging to a Mr Aggarwal, an accountant.

369. These cases highlight the fact that Mr Page operates in a world of covert surveillance in which agents acquire confidential information unlawfully and that Mr Page has dealings with such agents. It would be a reasonable inference to draw from these incidents that Mr Page has access to agents with the capacity to hack e-mails. ...





Yuri Koshkin @

1d



Yuri Koshkin

[REDACTED]

Nick, warm greetings. Not a very good day, it appears. ■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I can talk now or tomorrow.

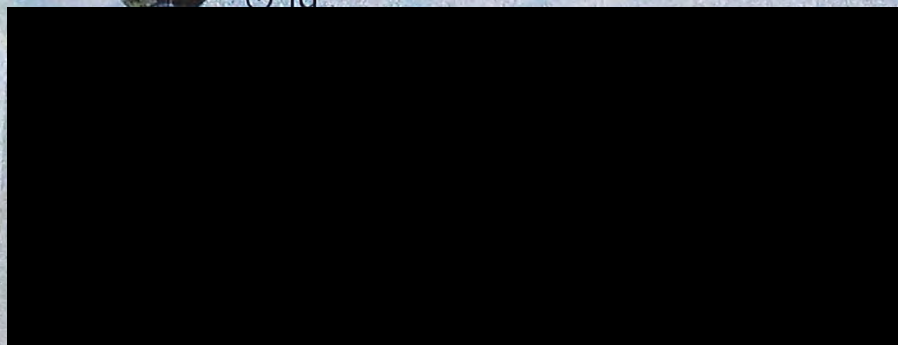
17m ⓘ

On what? Have I missed something?





< Yuri Koshkin @



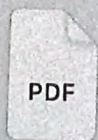
17m ⌚

On what? Have I missed something?

12m ⌚ ☑

He told me you should have received a draft suit. I'll forward now.

11m ⌚



2020.10.13...closure.pdf

288 KB

10m ⌚

Yuri, thanks, I'll read it shortly and get back in due course.  
V best

4m ⌚ ☑



6:08



Yuri Koshkin @

1d



PDF

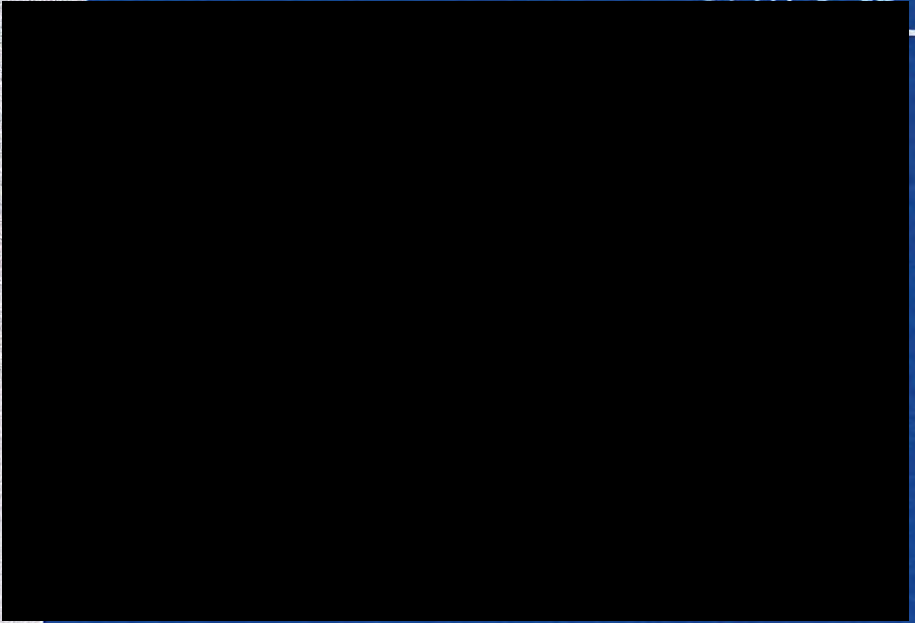
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44m

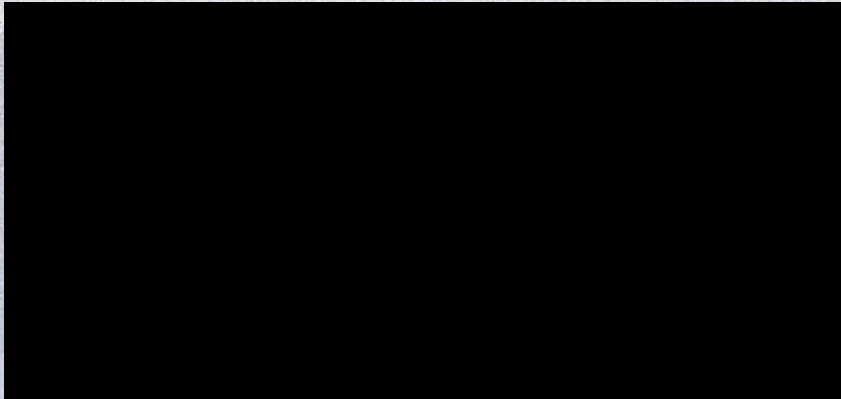
Yuri, thanks, I'll read it shortly  
and get back in due course.  
V best

37m



19m

New Messages





## New Messages

[REDACTED]

[REDACTED] you should have gotten a document and he is sending me a copy. [REDACTED]

[REDACTED]

[REDACTED] He would prefer to do it with you directly or via me. However, through someone else, should you so choose.

1m ☺

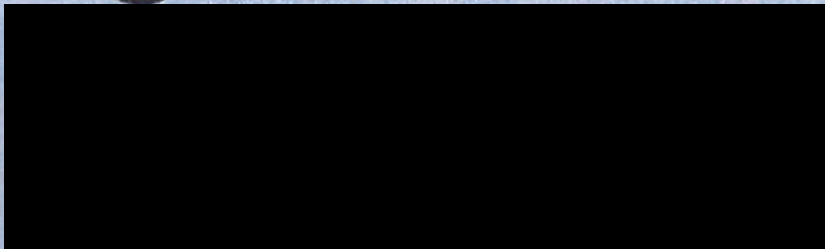


1:31



Yuri Koshkin @

1d



He would prefer to do it with you directly or via me. However, through someone else, should you so choose.

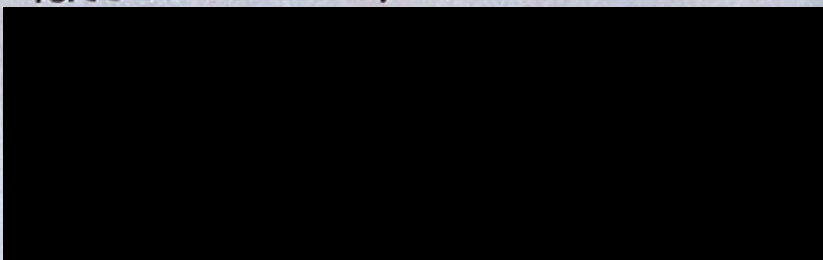
Tue 6:06 PM

Got it

Tue 6:09 PM

Today

Nick, how are you?  
Not terribly upset by the latest development.



5m



8:16



Yuri Koshkin @

1d



Yuri Koshkin



Yuri, thanks for the apology,  
but not necessary; it's just  
business, right? There's a lot  
to think about and prefer if  
we talk next week. Do take  
care. V best

1m